

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: John T. GWYNNE, et al  
Application No.: Not Yet Assigned Group Art No.:  
Filed: Examiner:  
For: COMBINATION THERAPY FOR TYPE II DIABETES OR  
SYNDROME X

Confirmation No.:  
Customer Number: 25291

Mail Stop Patent Application  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

17354 U.S.PTO  
10/790444  
030104

APPLICATION FOR TRANSMITTAL UNDER 37 CFR 1.53 (b)

Transmitted herewith for filing is the patent application of the following Inventor(s):  
John T. GWYNNE, Philippe John Robert VITOU and Bruce Paul RANDAZZO;  
For: COMBINATION THERAPY FOR TYPE II DIABETES OR SYNDROME X.

1. This new application is for a:  
☒ Divisional  
☐ Continuation  
☐ Continuation-in-part (CIP)
2. Benefit of Prior U.S. Application(s) (35 USC 120)  
This new application being transmitted claims the benefit of prior U.S. application(s)  
Application No. 10/163,707, filed on June 6, 2002.
3. Papers enclosed which are required for filing date under 35 CFR 1.53(b):  
☒ Pages of specification – 23 pages  
☐ Sequence Listing – pages on  
☐ CD-ROM or CD-R (2 copies); or  
☐ Paper  
☒ Pages of claims – 11 pages  
☒ Page(s) of abstract – 1 pages  
Sheets of drawing – pages  
☐ Formal  
☐ Informal

**CERTIFICATE OF MAILING 37 CFR §1.10**

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV 238504649 US addressed to the Mail Stop Patent Application, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

3/1/04  
Date

Kerry A. D'Ovidio  
Kerry A. D'Ovidio

4. Additional papers enclosed
- ☒ Information Disclosure Statement
  - ☒ Form PTO-1449
  - ☐ Citations
  - ☐ Statement of Biological Deposit
  - ☐ Computer Readable Form of Sequence Listing
  - ☐ Statement Under 37 CFR 1.821(f)
  - ☒ Application Data Sheet
  - ☐ Other:
5. Declaration
- ☒ Copy from a prior application (37 CFR 1.63 (d)) is enclosed
  - ☐ New declaration enclosed and executed by all inventor(s)
  - ☐ New declaration not enclosed or not executed by all inventor(s)
6. Assignment
- An assignment of the invention to:
- Wyeth  
Five Giralda Farms  
Madison, New Jersey 07940
- ☒ was made in the prior application and recorded in PTO on June 6, 2002, Reel 012996, Frame 0106.
  - ☐ is attached under separate Recordation Form Cover Sheet.
  - ☐ will follow.
7. Incorporation By Reference
- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Section 5 of this transmittal, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
8. Amendments
- ☒ Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim is retained for filing purposes.) A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following with the highest numbered original claim in the prior application.)
9. General Authorization:
- During the pendency of this application treat any reply requiring a petition for extension of time for its timely submission as containing a request therefore for the appropriate length of time. The Commissioner is hereby authorized to charge all required extension of time fees during the entire pendency of this application to Deposit Account No. 07-1060.

10. Filing Fee Calculation

| CLAIMS AS AMENDED             |                        |                               |                          |                  |
|-------------------------------|------------------------|-------------------------------|--------------------------|------------------|
| (1)<br>FOR                    | (2)<br>NUMBER<br>FILED | (3)<br>NUMBER EXTRA x<br>RATE |                          | (4)<br>BASIC FEE |
|                               |                        |                               |                          | \$770.00         |
| TOTAL CLAIMS                  | 2                      |                               | x \$ 18.00               | 0.00             |
| INDEPENDENT<br>CLAIMS         | 1                      |                               | x \$ 86.00               | 0.00             |
| MULTIPLE<br>DEPENDENCY<br>FEE |                        |                               | \$ 290.00                |                  |
|                               |                        |                               | <b>Total Filing Fee:</b> | <b>\$770.00</b>  |

11. Fee payment being made at this time: \$770.00

12. Method of Payment of Fees:  
Charge Deposit Account No. 07-1060 in the amount of \$770.00  
A duplicate of this transmittal is attached.

13. Instructions as to Overpayment:  
Credit any overpayment to Deposit Account No. 07-1060.

14. Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 07-1060:
  - ☒ 37 CFR 1.16(a), (f), or (g) filing fees
  - ☒ 37 CFR 1.16(b), (c), and (d) presentation of extra claims
  - ☒ 37 CFR 1.16(e) surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application.
  - ☒ 37 CFR 1.17 application processing fees

15. Relate Back (35 USC 120)  
☒ This is a divisional of copending application(s) application number 10/163,707 filed on June 6, 2002 the entire disclosure of which is hereby incorporated by reference.

NOTE: THIS STATEMENT SHOULD BE ADDED TO THE BEGINNING OF THE SPECIFICATION.

16. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

(a) ☐ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application is (are)

- ☒ the same
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified for the prior application be deleted in accordance with the signed statement attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)):

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration is being filed. With respect to the prior application the inventor(s) in this application is (are)  
☒ the same  
☐ the following additional inventors have been added:

17. Maintenance of Copendency of Prior Application

- (a) ☐ Extension of Time in Prior Application  
☐ A petition, fee and response extends the term in the pending prior application until  
☐ A copy of the petition filed in the prior application is attached.
- (b) ☐ Conditional petition for Extension of Time in Prior Application.  
☐ A conditional petition for extension of time is being filed in the pending prior application.  
☐ A copy of the conditional petition filed in the prior application is attached.

18. REQUEST AND CERTIFICATION UNDER 35 U.S.C 122(b)(2)(B)(i).

- ☐ A request not to publish this application and certification under 35 U.S.C. 122(b)(2)(B)(i) is attached.

19. SEND CORRESPONDENCE TO:

Customer Number: 25291

DIRECT ALL TELEPHONE CALLS TO:

Name: Christine P. Bellon  
Tel. No. (617) 665-8653

20. ☒ Return Receipt Postcard is attached.



Christine P. Bellon  
Attorney for Applicants  
Reg. No. 41,611

Wyeth  
Patent Law Department  
Five Giralda Farms  
Madison, NJ 07940  
Tel. No. (617) 665-8653